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WENDEROTH, LIND & PONACK L.L.P.			CHOKSHI, PINKAL R	
2033 K. STREET, NW				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/574,572	MONTA ET AL.	
	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 December 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 and 8-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 and 8-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive and moot in view of the new ground(s) of rejection. Applicant asserts that Ellis does not disclose a view programming apparatus transmits a first e-mail including programmed show information prescribing the show, for which the viewing is programmed by the user, to be received by the show receiving apparatus. Examiner respectfully disagrees. Ellis discloses (¶0103, ¶0104 and ¶0106) that the remote access device receives programming information via email from television equipment as represented in Figs. 7 and 8. Also, as Applicant's representative agreed with the Examiner, the remote access device receives a reminder of a show selected by the user, where communication between remote access device and television equipment is made via email as mentioned above. With regard to the dependent claims, the respective rejections are maintained as Applicant has only argued that the secondary references do not cure the deficiencies of Ellis, nevertheless it is the Examiner's contention that Ellis does not contain any deficiencies. See the new rejections below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- It is unclear when claiming "...a view programming apparatus **capable of holding...**" It is ambiguous what the Applicant means by capable of holding. Applicant is asked to clarify and provide support for this limitation. For the purpose of examination, it is the Examiner's position that any distance reads on above limitation and such is in accordance with broadest reasonable interpretation, and from the perspective of one having ordinary skill in the art.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-5 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by US PG Pub 2005/0028208 to Ellis et al (hereafter referenced as Ellis).

Regarding **claim 1**, "a view programming system capable of programming a viewing of a show that a user wants to view, from among shows composed of content data provided from a content data source" reads on the remote program

guide access device connected to television equipment to view program guide data received from head-end (abstract) disclosed by Ellis and represented in Fig. 1.

As to “the view programming system comprising: at least one show receiving apparatus capable of receiving the shows” Ellis discloses (¶0134) that the remote access device provides user to select a program listing of a television program that is being broadcast as represented in Fig. 1 (element 24).

As to “a view programming apparatus capable of holding, when the programming of the viewing of the show is performed, programmed show information related to the show for which the viewing is programmed” Ellis discloses (¶0110) that the television receiving apparatus stores program information or obtain program information in the storage device. Ellis further discloses (¶0138) that the remote access device programmed with television equipment provides user to control television equipment as represented in Fig. 1 (element 17).

As to “wherein the view programming apparatus transmits a first electronic mail including the programmed show information prescribing the show, for which the viewing is programmed, to be received, via a network by the show receiving apparatus, the show for which the viewing is programmed having been programmed for viewing by the user” Ellis discloses (¶0103, ¶0104 and ¶0106) that the remote access device receives programming information via email from television equipment as represented in Figs. 7 and 8. Ellis further discloses

(pg.22, claim 1) that the user selects a future programming content from the plurality of programming contents.

As to “wherein the show receiving apparatus receives the first electronic mail via the network” Ellis discloses (¶0106 and ¶0136) that the remote access device and television equipment exchange program information using e-mail through SNMP protocol.

As to “wherein the user selects whether to view or record the show, for which the viewing is programmed, in accordance with the first electronic mail” Ellis discloses (¶0106 and ¶0123) that the remote access device receives user's favorite programs list based on user's profile preference set for favorite programs via email. Ellis further discloses (¶0125-¶0127) that based on user's favorite program received on remote access device, user selects to record his favorite program.

Regarding **claim 2**, “the view programming system wherein the view programming apparatus comprises: show information obtaining means of obtaining show information indicating a schedule on which the shows are to be provided” Ellis discloses (¶0066 and ¶0067) that the television equipment receives EPG that includes program listing data from main facility as represented in Fig. 1.

As to “displaying means of displaying a show table based on the obtained show information (EPG)” Ellis discloses (¶0070 and ¶0073) that the display

screen of television equipment displays EPG data generated by program guide server.

As to “view programming information generating means of generating the programmed show information in response to a user's selection input of a show, for which the viewing is to be programmed based on the displayed show table” Ellis discloses (¶0113-¶0114) that the based on the EPG displayed on the screen, user selects a program using cursor, touch sensitive screen, etc on user interface to receive program information.

As to “first electronic mail generating means of generating the first electronic mail in association with an electronic mail address assigned to the reception apparatus” Ellis discloses (¶0106 and ¶0119) that the television equipment exchange program guide data to remote access device using email message. It is inherent that email address must be known to send an email to a destination device.

As to “first electronic mail transmitting means of transmitting the first electronic mail to the electronic mail address” Ellis discloses (¶0106) that the television equipment transmits program guide data to remote access device using email message. It is inherent that email address must be known to send an email to a destination device.

Regarding **claim 3**, “the view programming system wherein the programmed show information includes (i) information indicating a broadcast

start time and a broadcast end time of the show for which the viewing is programmed, and (ii) a source from which the show, for which the viewing is programmed, is obtained" Ellis discloses (¶0116) that the program guide data represented on remote access device includes show start/end time as well as channel number as represented in Fig. 8.

Regarding **claim 4**, "the view programming system wherein the first electronic mail is transmitted between (i) a show start notifying time which is earlier by a predetermined time than the broadcast start time, and (ii) the broadcast start time" Ellis discloses (¶0111, ¶0118 and ¶0119) that a reminder email is transmitted to remote access device at an appropriate time before the selected program is scheduled to air.

Regarding **claim 5**, "the view programming system wherein the first electronic mail further contains a predetermined message" Ellis discloses (¶0106, ¶0111 and ¶0116) that the email transmitted to remote access device includes predefined criteria for a program.

Regarding **claim 9**, "the view programming system wherein the show receiving apparatus displays the show, for which the viewing is programmed based on the programmed show information" Ellis discloses (¶0115-¶0118) that

the user views selected program video after user receives a reminder for a program to be air.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 8, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of US PG Pub 2002/0174430 to Ellis (hereafter referenced as Ellis '430).

Regarding **claim 8**, "the view programming system wherein the view programming apparatus further comprises: first recording means of recording a received show" Ellis discloses (¶0084) that the storage device in television equipment STB stores audio/video programs received as represented in Fig. 3 (element 31).

As to "each the show receiving apparatus comprises: second electronic mail generating means of generating a second electronic mail as a return mail with respect to the first electronic mail" Ellis discloses (¶0106) that the television equipment and remote access device exchange information via email communication. Ellis further discloses (¶0137) that the remote access device

responds to a command received from television equipment by issuing an access communication (email) back to television equipment.

As to "second electronic mail transmitting means of transmitting the second electronic mail to the view programming apparatus" Ellis discloses (¶0137) that the remote access device responds to a command received from television equipment by transmitting an access communication (email) back to television equipment.

As to "the view programming apparatus records the show, for which the viewing is programmed, into the first recording means" Ellis discloses (¶0091 and ¶0115) that based on the command received from the user, television equipment records the programming show on the storage device.

Ellis meets all the limitations of the claim except "when the view programming apparatus does not receive the second electronic mail by the broadcast start time." However, Ellis '430 discloses (¶0304) that user receives a reminder message on the device and if there is no response received from user, then the system automatically begin recording of the scheduled program as represented in Fig. 34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by adding recording feature that starts recording a scheduled program even if no response is received from user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

Regarding **claim 10**, “the view programming system wherein the show receiving apparatus further comprises second recording means of recording the received show, and records the show, for which the viewing is programmed, into the second recording means based on the programmed show information” Ellis discloses (¶0115) that the user may schedule program for recording by storage device of remote access device as represented in Fig. 5 (element 56).

Regarding **claim 13**, “the view programming system wherein, when receiving the first electronic mail, the show receiving apparatus (i) displays the predetermined message, (ii) transmits the second electronic mail when the show, for which the viewing is programmed, is not recorded in the view programming apparatus” Ellis '430 discloses (¶0304) that if user wishes to watch the program then he/she selects the message to watch and cancel to watch the program and cancel recording. As to “(iii) does not transmit the second electronic mail when the show, for which viewing is programmed, is recorded in the view programming apparatus” Ellis '430 discloses (¶0304) that user receives a reminder message on the device and if there is no response received from user, then the system automatically begin recording of the scheduled program as represented in Fig. 34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by adding recording feature that starts recording a scheduled program even if no response is received from

user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

8. **Claims 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al in view of US PG Pub 2003/0023987 to Hiramoto et al (hereafter referenced as Hiramoto).

Regarding **claim 11**, Ellis meets all the limitations of the claim except "the view programming system wherein a password is set for each corresponding show receiving apparatus, and a subject having the password of the show receiving apparatus is described in the first electronic mail." However, Hiramoto discloses (¶0214-¶0217) that the control command (email) transferred between mobile telephone and reproducing device includes a secret number as represented in Fig. 33. Hiramoto further discloses (¶0222) that each device is assigned with a unique secret number and the secret number of mobile device must match with the secret number stored in the storing unit as represented in Fig. 29. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by including password assigned for a receiving device as taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

Regarding **claim 12**, “the view programming system wherein the view programming apparatus determines that an electronic mail having the password is determined as the second electronic mail, among received electronic mails” Hiramoto discloses (¶0214-¶0217 and ¶0222) that the control command (email) that includes a secret number is exchanged between mobile telephone and reproducing device as represented in Fig. 33. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis’s invention by including password assigned for a receiving device as taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425